

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts
Southern District of Texas
FILED

January 31, 2025

Nathan Ochsner, Clerk of Court

United States of America
v.
Martin Julio De La Fuente
AKA: Martin Julio Delafuente / Martin De
La Fuente-Garza

Case No.

4:25-mj-0045

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September, 14 2024 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. § 1326 (a)

a native and citizen of Mexico, and an alien who had been previously
deported from the United States, was found unlawfully in the United States at
Houston, Texas, the said defendant having not obtained the consent before
March 2003 from the Attorney General of the United States to reapply for
admission into the United States; and without having obtained corresponding
consent after February 2003 from the Secretary of Homeland Security
pursuant to 6 U.S.C. §§ 202(3) and (4) and 6 U.S.C. § 557,

This criminal complaint is based on these facts:

See Attached Affidavit in support of the Criminal Complaint

☒ Continued on the attached sheet.

Complainant's signature

Daniel Chagoya, ICE Deportation Officer

Printed name and title

Sworn to me telephonically.

Date: 01/31/2025

Judge's signature

City and state: Houston, Texas

Christina A. Bryan, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Daniel I, Chagoya, being duly sworn telephonically, hereby depose and say:

(1) I am a Deportation Officer with the United States Immigration and Customs Enforcement (“ICE”) and have served in that capacity since November 9, 2008. My law enforcement career began September 18, 2005, as a Customs and Border Protection Officer. I held this position until transferring to Immigration and Customs Enforcement as a Deportation Officer. I currently have over 18 years of immigration law enforcement experience.

(2) On January 30th, 2025, at 11:00 p.m. Julio Martin De La Fuente (“Defendant”) was detained by ICE.

(3) The Defendant’s fingerprints have been taken and electronically submitted to various law enforcement databases. According to the Integrated Automated Fingerprint Identification System (IAFIS), the Defendant is the same individual as the person referred to in this Affidavit as having been previously deported and convicted.

(4) Based upon the information from ICE’s records as described below, and my training and experience, I submit that there is probable cause to believe that the Defendant is in violation of 8 U.S.C. § 1326(a).

(5) Element One: The Defendant is a citizen and national of Mexico and not a native, citizen or national of the United States.

(6) Element Two: The Defendant has previously been deported or removed from the United States on the following occasions:

1. Removed 01/09/2019
2. Removed 11/05/2018
3. Removed 02/05/2009
4. Removed 05/21/1999

(7) Element Three: After deportation, the Defendant was subsequently found in the United States on September 24th, 2024, at Houston, TX, which is within the Southern District of Texas. Specifically, the Defendant was found in Harris County, which is in within the Houston Division of the Southern District of Texas.

(8) Element Four: The Defendant did not have permission to reenter the United States. On January 31st, 2025, I reviewed the contents of the Alien File associated with this Defendant and/or available database information. I found no indication that the Defendant has ever received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, to apply for admission to the United States following deportation from the United States. I have requested certification of this fact from the Records Branch of the Immigration Service.

(9) Prior Criminal History. The Defendant has the following prior criminal history:

- a. On January 29th, 2025, the Defendant was convicted in the 496th District Court in Harris County, TX for the offense of deadly conduct and sentenced to 12 months in county jail.
- b. On October 15th, 2008, the Defendant was convicted in the 338th District Court in Harris County, TX for the offense of theft \$500-\$1500 and sentenced to 300 days county jail.
- c. On April 10th, 2007, the Defendant was convicted in the 174th District Court in Harris County, TX for the offense of deadly conduct and sentenced to 30 days county jail.

(10) On January 31st, 2025, I contacted the U.S. Attorney's Office, Southern District of Texas, Houston Division, concerning this criminal complaint. On or about that day, Assistant U.S. Attorney Charmaine, Holder 713-819-6407 accepted this case for prosecution for a violation of 8 U.S.C. § 1326(a).



Daniel I. Chagoya, Deportation Officer
United States Department of Homeland Security
U.S. Immigration & Customs Enforcement

Sworn to me telephonically on this 31st day of January 2025, and I find probable cause.



Hon. Christina A. Bryan
United States Magistrate Judge
Southern District of Texas